

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for declaratory statement
regarding the effect of the Commission's orders
approving territorial agreements in Indian
River County, by the City of Vero Beach.

DOCKET NO. 140244-EM
ORDER NO. PSC-15-0061-PCO-EM
ISSUED: January 23, 2015

ORDER GRANTING FLORIDA MUNICIPAL ELECTRIC ASSOCIATION, INC.'S
MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE AND TO FILE COMMENTS

On January 13, 2015, the Florida Municipal Electric Association, Inc. (FMEA) moved for leave to appear as amicus curiae, to file comments, and to request the opportunity to address the Commission on the legal issues raised in the Petition for Declaratory Statement (Petition) filed in this docket by the City of Vero Beach. FMEA states that it is the state trade association representing thirty-three of Florida's municipal electric utilities that serve approximately fifteen percent of Florida's electric load, or three million Floridians. FMEA states that each of its members serves customers located both inside and outside of its municipal boundaries, and for this reason, FMEA and its members have a significant interest in the preservation and enforcement of Chapter 366, Florida Statutes, which includes the planning, development, and maintenance of a coordinated electric power grid throughout Florida and the Commission's exclusive and superior jurisdiction over electric utility territorial matters. FMEA alleges that given its representation of all of Florida's municipal electric utility industry, it is uniquely qualified to assist the Commission as an amicus curiae concerning certain legal issues that must be resolved in this proceeding.

Ruling

It is within the Commission's jurisdiction to allow amicus curiae participation in Commission proceedings.¹ An amicus curiae is not a party, but participates only for the benefit of the Commission.² Because FMEA's participation as amicus curiae will be beneficial to the Commission in analyzing the issues raised in the City of Vero Beach's Petition for Declaratory Statement, I find it appropriate to grant FMEA's motion for leave to appear as amicus curiae and to file comments. FMEA filed its amicus curiae comments along with its motion.

FMEA's request for the opportunity to address the Commission will be determined at the agenda conference at which the Commission will consider the Petition.

Based on the foregoing, it is

¹ E.g. Order No. PSC-13-0508-PCO-EQ, issued October 28, 2013, Docket No. 130235-EQ, In re: Petition for declaratory statement regarding co-ownership of electrical cogeneration facilities in Hendry County by Southeast Renewable Fuels, LLC.

² See id.

ORDERED by Commissioner Lisa Polak Edgar, as Prehearing Officer, that the Florida Municipal Electric Association, Inc.'s Motion for Leave to File Amicus Curiae Comments is hereby granted as set forth in this Order. It is further


ORDERED that all parties to this proceeding shall furnish copies of all documents which may hereinafter be filed in this proceeding to:

Arthur J. "Grant" Lacerte, Jr.
Vice President and General Counsel
Kissimmee ~~Electric~~ Authority *Utility*
P.O. Box 423219
Kissimmee, Florida 34742-3219
T: (407) 933-7777
F: (407) 933-2655
glacerte@kua.com

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Barry J. Moline
Executive Director
Florida Municipal Electric Association
P.O. Box 10114
Tallahassee, Florida 32302-2114
T: (850) 224-3314, Ext. 1
F: (850) 251-5060
bmoline@publicpower.com

By ORDER of Commissioner Lisa Polak Edgar, as Prehearing Officer, this 23rd day of January, 2015.


LISA POLAK EDGAR
Commissioner and Prehearing Officer
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Office of Commission Clerk, in the form prescribed by Rule 25-22.0376, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.